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PUBLIC UTILITIES COMMISSION
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WILLIAM M. NUGENT
HEATHER F. HUNT
COMMISSIONERS

May 8, 1997

TO: All Utilities

FROM: Matthew F. Thayer, Director, Consumer Assistance Division

RE: CAD BULLETIN # 97-1; Chapter 81, Residential Utility Service
Standards for Credit and Collection Programs, Section 11,
Medical Emergency.

On April 29, 1997, the Commission issued an Advisory Ruling in response to questions from Bangor Hydro-Electric Company (BHE) concerning the medical emergency provisions of Chapter 81 of the Commission's Rules.

BHE's questions concerned the provisions regarding customer/occupant declaration and physician certification of medical emergencies, the postponement of disconnection pending physician certification, the length of postponement for certified emergencies, and the renewal provisions for medical emergencies.

A copy of the Advisory Ruling is attached for your reference. All utilities are required to handle medical emergency declarations and situations according to the provisions of Chapter 81 and consistent with the clarifications in this Advisory Ruling. Any questions or concerns concerning this Bulletin should be addressed to Matt Thayer or Betty Bero of the Consumer Assistance Division.

MT/kp
Attachment

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 96-653

April 29, 1997

BANGOR HYDRO-ELECTRIC COMPANY
Request for Advisory Ruling on Definition
and Intent of the Meaning of Chapter 81,
Section 11(B)(D)(G) and (H)

ADVISORY RULING

WELCH, Chairman; NUGENT and HUNT, Commissioners

This Advisory Ruling provides the Commission's response to questions from Bangor Hydro-Electric Company (BHE) concerning the medical emergency provisions of Chapter 81. The response is provided in a hierarchy of basic steps that BHE should follow when a customer/occupant declares a medical emergency. This response clarifies the manner in which the Commission (and its Consumer Assistance Division) will interpret the relevant Chapter 81 requirements.

BHE has sought clarification of the provisions regarding customer/occupant declaration and physician certification of medical emergencies, the postponement of disconnection pending physician certification, the length of postponement for certified emergencies, and the renewal provisions for medical emergencies. A copy of BHE's request is attached.

The hierarchy begins with the issuance of a disconnection notice by the utility.

1. The utility issues a disconnection notice:

- A) If the customer/occupant does not declare a medical emergency, the utility may proceed with the disconnection process;
- B) If the customer/occupant declares a medical emergency, refer to #2.

2. Medical emergency declared by customer/occupant:

- A) If this is the first declaration of a medical emergency under the current disconnection notice, refer to #3;
- B) If this is not the first declaration of a medical emergency under the current disconnection notice, refer to #4.

3. First declaration of medical emergency under the current disconnection notice: The utility is required to postpone the disconnection for three (3) business days pending oral certification by a registered physician.

A) If oral certification of the medical emergency is received within 3 business days, the utility may not disconnect the customer/occupant, provided, however, that if the utility asks for written confirmation:

(1) and the registered physician provides written confirmation of the medical emergency within seven (7) business days, the utility may not disconnect the customer/occupant;

(2) and the registered physician does not provide written confirmation of the medical emergency within 7 business days, the utility may disconnect the customer/occupant only with Commission approval upon application under Section 14(B).

B) If the registered physician fails to provide the utility with oral certification within 3 business days, the utility may resume the disconnection process;

C) The effective period for any disconnection notice shall be extended by 3 business days if a customer requests a physician's oral certification of medical emergency, and the utility orally notifies the customer of the 3-day extension.

4. Second or subsequent declaration of medical emergency under the current disconnection notice (assuming the declaration is for the same condition and same individual):

A) If the customer/occupant makes a second or subsequent declaration of a medical emergency after the 3-business-day postponement for physician certification, the utility may proceed to disconnect. For example, if a customer/occupant declares a medical emergency on day 6 of the effective period of the disconnection notice, and the utility does not receive a physician certification, another customer/occupant declaration on day 10 does not require the utility to postpone disconnection;

B) If the customer/occupant makes a second or subsequent declaration of a medical emergency during the 3-business-day postponement (i.e., within 3 business days of the first declaration), the utility need not extend the original 3-business-day period. For example, if the customer/occupant declares a medical emergency on day 7 of the effective period of the disconnection notice, and no registered physician certifies the medical emergency, or if the customer/occupant re-declares the medical emergency on day 9, the utility is not required to extend the initial postponement, assuming that the utility provided the customer/occupant with full customer rights at the time of the initial declaration;

C) If the customer/occupant makes a second or subsequent declaration after a proper disconnection, the utility may require oral certification by a registered

physician for reconnection, subject to the authority of the Consumer Assistance Division (CAD) to order immediate reconnection pending certification, if circumstances warrant.

5. Length of Postponement/Renewals of Medical Emergencies (assuming the declaration or certification is for the same individual and the same condition):

A) At the end of a certification period (30 days or less, if specified by the certifying physician), the utility may proceed with the collections process, unless and until a new declaration or certification of a medical emergency is received;

B) If the customer/occupant declares a medical emergency after the 90 days of certification in any 12-month period have expired, the utility may proceed with the collections process, SUBJECT, HOWEVER, TO A DECISION BY CAD THAT SPECIAL CIRCUMSTANCES REQUIRE AN EXCEPTION TO THE 90-DAY MEDICAL EMERGENCY LIMIT;

C) If a customer/occupant declares a medical emergency with respect to the same individual with the same medical emergency but at a different location, the utility may treat the declaration as a declaration from the same customer/occupant, and the utility may apply the 90-day limit in any 12-month period to any such certification or combination of certifications.

6. NOTE: THE RECEIPT OF A PHYSICIAN CERTIFICATION AT ANY TIME REQUIRES AN IMMEDIATE HALT TO THE DISCONNECTION PROCESS AND IMMEDIATE RECONNECTION, EXCEPT:

A) WHERE THE 90-DAY MEDICAL EMERGENCY PERIOD (IN A 12-MONTH PERIOD) HAS BEEN EXHAUSTED; OR

B) WITH PERMISSION FROM THE COMMISSION UNDER SECTION 14(B) OF CHAPTER 81:

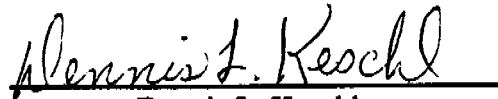
(1) WHERE THE CUSTOMER SEEKS TO RENEW A MEDICAL CERTIFICATION AND REFUSES TO MAKE, OR FAILS TO COMPLY WITH, A REASONABLE PAYMENT ARRANGEMENT;
OR

(2) WHERE THE UTILITY HAS REQUESTED, BUT HAS NOT RECEIVED, WRITTEN CONFIRMATION OF AN ORAL PHYSICIAN CERTIFICATION. PERMISSION TO DISCONNECT UNDER THIS CIRCUMSTANCE WILL BE GRANTED ONLY WHERE CAD DETERMINES THAT NO CERTIFICATION WAS, IN FACT, MADE, OR WHERE THE CERTIFYING PHYSICIAN STATES THAT THE CERTIFICATION WAS MADE IN ERROR.

We intend to examine the medical emergency provisions of Chapter 81 in 1997 to determine whether changes are necessary.

Dated at Augusta, Maine, this 29th day of April, 1997.

BY ORDER OF THE COMMISSION



Dennis L. Keschl
Acting Administrative Director

COMMISSIONERS VOTING FOR: Welch
Nugent
Hunt

MT/kp
Attachment



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MAINE PUBLIC
UTIL. COMM.

96-653

Mr. Christopher Simpson
Administrative Director
Maine Public Utilities Commission
State House Station #18
Augusta, Me. 04333-0018

September, 18, 1996

Re: Request for Advisory Ruling on definition and intent of the meaning of Chapter 810
Section 11 (B) (D) (G) and (H).

Dear Mr. Simpson:

Over the last several months the Company has received from the CAD staff several different interpretations of Chapter 810, Section 11 for parts (B), (D), (G) and (H). The Company's understanding of these provisions differs from the recent CAD interpretation and therefore the Company respectfully request clarification of the intent of these specific sections.

Rule:

Section 11 (B) Postponement of disconnection pending receipt of certification.

If a customer or occupant gives oral or written notice to a utility employee of the existence of a medical emergency and that a certification will be obtained by a registered physician before disconnection, the utility must not disconnect for at least three (3) business days. If the certification is not received within three (3) business days, the utility may continue the disconnection procedure. The effective period of the disconnection notice can be extended to accommodate this three-day period if the utility orally informs the customer of the extension.

Request for clarification of provision :

When the Company employee makes contact and the customer declares a medical emergency and the medical emergency certification is not received after 3 business days ; or the physician states there is no medical emergency or medical condition which would be aggravated by the loss of electric service:

- 1) Is the Company required to accept another declaration of a medical emergency when the Company re-initiates disconnection procedures if the physician states there is no medical emergency or condition within the household which would be seriously aggravated by the loss of electricity?
- 2) (A) If the customer fails to provide the oral (3 day) certification or written (7 day) certification is the company allowed to continue disconnection procedures even if the customer declares the medical emergency again?

(B) Can the Company disconnect the service and require the certification of a medical emergency be provided prior to re-establishing service?

(C) If the Company is required to accept the subsequent declaration what is the Company's next step if the customer fails to provide the required certification?
- 3) At what point can the Company refuse subsequent declarations of a medical emergency when oral or written certifications have not been provided within the allowed time frame?

Rule:

Section 11 (D) Length of postponement : renewals.

- 1) A utility must not disconnect the customer for a time period specified in the certification or thirty (30) days, whichever is less. If the certification does not specify a time period or it is not readily ascertainable, the utility must not disconnect for at least thirty (30) days.
- 2) A utility is not required to extend the combination of initial and renewed certifications beyond ninety (90) days.

Request for clarification of provision:

After the Company has accepted the combination of initial or renewed certifications of a medical emergency and the 90 day limit {per 11(D) (2) }has been satisfied:

- 1) Can the Company refuse to accept another medical emergency for the same medical condition for the same household member and disconnect service if payment or reasonable arrangement terms are not made?

2) Is there a time limit for which the 90 day provision applies? (i/e limit of one 90 day medical protection period once in every 12 months)

3) Is the Company required to accept the declaration of a medical emergency to prevent the disconnection of service to a new location after the Company has provided the customer 90 day medical emergency protection to a prior service location?

Rule:

Section 11 (G) Condition of renewal

A utility may require a customer to enter into a payment arrangement for an overdue amount as a condition of renewal of a medical emergency certification. If a customer refuses to enter into a payment arrangement as a condition of renewal of the certification or fails to comply with a payment arrangement negotiated as a condition of renewal, the utility can disconnect service only by obtaining an exemption from the Commission according to Section 14 (B) (2).

Section 11 (H) Disconnection upon expiration of a certification.

A utility can begin disconnection procedures when a certification of a medical emergency expires if the customer has failed to pay or enter into a payment arrangement for the amount overdue.

Request for clarification of provisions:

Section 11 (G) states when a customer's medical emergency certification has expired and wishes to renew the certification and refuses or fails to comply with the terms of a reasonable payment arrangement, the Company is required to seek permission from the CAD to disconnect service. (pursuant to Chapter 810 Section 14 (B) (2) _

Section 11 (H) states that if a customer's medical emergency certification has expired and fails to enter into or comply with the terms of a payment arrangement the utility may begin disconnection procedures without CAD approval.

1) How are each of these provisions applicable during the 90 day protection period and after the 90 day protection period?(pursuant to chapter 810 Sec 11 (D)

2) Is it intended that if the customer refuses or fails to comply with a reasonable payment arrangement and claims another medical emergency anytime during or after the 90 day exemption period the Company must request permission to disconnect from the CAD?

3) If the customer fails to comply with or enter into a reasonable payment arrangement , in what situation can the Company disconnect service without permission from the CAD?

If you have any questions , please don't hesitate to contact me at 990-6985.

Very truly yours

Michael P. Brooker
Director Customer Service Operations

CC: Matt Thayer CAD
Joe Giard BHE